

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 11, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WILDEARTH GUARDIANS;
WESTERN WATERSHEDS
PROJECT; and KETTLE RANGE
CONSERVATION GROUP,

Plaintiffs,

v.

US FOREST SERVICE; GLENN
CASAMASSA, Pacific Northwest
Regional Forester; and RODNEY
SMOLDON, Forest Supervisor,

Defendants.

NO: 2:20-CV-223-RMP

SCHEDULING ORDER

A telephonic scheduling conference is set in this case for September 18, 2020.

The parties filed a Joint Rule 26 Report pursuant to the Scheduling Conference Notice at ECF No. 9.

The parties submit that certain claims in this matter are governed by the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701-706 and that the matter most likely will be resolved through cross-motions for summary judgment. *Id* at 10.

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1 Also, the parties submit that proceeding with a scheduling conference is unnecessary
2 and request that the Court strike the hearing. *Id.* at 12. The Court has reviewed the
3 parties' Joint Status Certificate, ECF No. 13, and is fully informed.

4 Accordingly, **IT IS HEREBY ORDERED:**

5 **1.** The Telephonic Scheduling Conference set for September 18, 2020, is
6 **STRICKEN.**

7 **2. *Motion Practice***

8 (a) All parties shall adhere to LCivR 7.

9 (b) Motions to Expedite, if any, shall be filed separately and noted for
10 hearing at least seven (7) days from the date of filing, pursuant to LCivR
11 7(i)(2)(C). If the matter needs to be heard on a more immediate basis, the
12 party filing the motion shall advise chambers of such.

13 (c) All motions will be heard without oral argument unless oral
14 argument is requested and approved by the Court. If oral argument is
15 desired, the parties must contact the courtroom deputy to acquire a hearing
16 date, *see* LCivR 7(i)(3)(B), and must advise the courtroom deputy why oral
17 argument would be appropriate.

18 (d) All motion hearings in which oral argument has been approved
19 shall be set for in-person appearance; however, the parties may request to
20 appear telephonically or by video conference. **Speaker phones are not**
21

1 **compatible with the Court's sound system and may not be used for**
2 **telephonic hearings.**

3 (e) Notwithstanding the foregoing procedure, the Court may decide
4 that oral argument is not warranted and proceed to determine any motion
5 without oral argument. *See* LCivR 7(i)(3)(B)(iii).

6 **3. *Administrative Record***

7 (a) On or before **October 30, 2020**, Defendants will certify and lodge
8 the administrative record with the Court and serve the administrative record
9 on Plaintiffs.

10 (b) Plaintiffs shall review the administrative record and the parties
11 agree to confer at the earliest possible time to resolve any questions about the
12 completeness of the administrative record to avoid the need for motion
13 practice, if possible.

14 (c) If needed, Plaintiffs will file a motion to complete the
15 administrative record no later than **December 4, 2020**.

16 **4. *Schedule for Cross-Motions for Summary Judgment***

17 (a) If Plaintiffs do not file a motion to complete the administrative
18 record, then the parties shall cross-move for summary judgment on the
19 following schedule:

20 (i) Plaintiffs' opening brief in support of its motion for
21 summary judgement shall be filed on or before **January 8, 2021**;

(ii) Defendants' combined brief in opposition to Plaintiffs' motion for summary judgment and in support of Defendants' cross-motion for summary judgment shall be filed on or before **February 12, 2021**;

(iii) Plaintiffs' combined reply in support of their motion for summary judgment and brief in opposition to Defendants' cross-motion for summary judgment shall be filed on or before **March 5, 2021**; and

(iv) Defendants' reply in support of their cross-motion for summary judgment shall be filed on or before **March 26, 2021**.

(b) If Plaintiffs file a motion to complete the administrative record, the parties shall confer and submit a revised proposed schedule for summary judgment to the Court within seven (7) days after the Court has resolved Plaintiffs' motion.

IT IS SO ORDERED. The District Court Clerk is hereby directed to enter this Order and to provide copies to counsel.

DATED this September 11, 2020.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
United States District Judge